

**5/16/11 - Monday, May 16, 2011**

**CITY OF EAU CLAIRE  
PLAN COMMISSION MINUTES**

**Meeting of May 16, 2011**

City Hall, Council Chambers, 7:00 p.m.

Members Present: Messrs. FitzGerald, Larson, Kayser, Seymour, Duax, Pearson, Hibbard, Levandowski

Staff Present: Messrs. Tufte, Ivory, Noel, Genskow, Nick

The meeting was chaired by Mr. Kayser.

**1. ELECTION OF OFFICERS**

Mr. Hibbard motioned to nominate Mr. Kayser for Chair of the Plan Commission. Seconded by Mr. Seymour, the motion passed unanimously.

Mr. FitzGerald motioned to nominate Mr. Levandowski for the Vice Chair of the Plan Commission. Seconded by Mr. Seymour, the motion passed unanimously.

Mr. Hibbard motioned to nominate Mr. Pearson for Secretary of the Plan Commission. Seconded by Mr. FitzGerald, the motion passed unanimously.

**2. REZONING (Z-1484-11) “ C-3 to C-3P, East Ridge, Mega Foods; and  
SITE PLAN (SP-1109) “ Mega Foods Store**

Mr. Tufte presented the request to rezone property from C-3 to C-3P to allow reduced setbacks and to approve the site plan for a new 56,140 square foot grocery store. The location is on the east side of S. Hastings Way, south of Highland Avenue and west of Fairfax Street. The existing hotel and grocery would be razed. The site plan shows the new store in the area of the back parking lot off Fairfax. Setbacks of 12<sup>TM</sup> would allow the store to match the existing setback along that street. The Hastings Way reduced setback will allow for a monument-style sign with a limit of 20<sup>TM</sup> in height.

Commissioners discussed the alley improvements proposed to be used by delivery trucks, and where to locate an internal bus stop/pad site.

Scott Kramer, with Kramer Land Design Studio, and representing Consumers Co-op Association, spoke in support of the project. He said it has been a challenging site to work on since the existing store has to be open while the new store is being built. The parcels will be consolidated and the owner will repair the alley for the trucks that will use it. Truck turning radii will work in loading the area. The owner is committed to good site access and has provided two sidewalks to the building. He said the internal bus stop/pad will be constructed by the owner.

Jerry Krogman, 2202 Henry Avenue, asked why the alley was not vacated for the project.

Mr. Genskow stated vacating the alley would actually close the access for Mega Foods.

Mr. FitzGerald motioned to recommend approval of the item subject to the conditions in staff<sup>TM</sup>s letter. Mr. Pearson seconded. Mr. Hibbard amended the motion to modify condition #4 that the owner repaves the alley and delineate it with stripping so no parking occurs; and modify condition #5 that the owner must construct the bus stop concrete pad near the crosswalk before it crosses over to the northwest corner of the new building. Mr. FitzGerald seconded and the motion passed.

**3. REZONING (Z-1485-11) “ Amendment to On-premise Sign Code, Mobile Signs**

Mr. Ivory presented the request to approve an amendment to the On-premise Sign Code (Chapter 16.16) to allow mobile signs at temporary commercial attractions. This would allow a temporary digital display sign on a vehicle that could be viewed from the public right-of-way. The commission has reviewed this request several times and has asked to see a proposed ordinance. The conditional use permit would allow these types of signs subject to meeting certain conditions such as size, setback, hours of operations, etc. Staff does not recommend approval since it would add more driving distractions.

Terry Biddle, with Awards and More, questioned if these types of signs actually cause distraction. The sign would be temporary for an event. It would be a way to give credit to sponsors who help to make events free. He would like the sign nearest to the highway for the greatest visibility. He noted that the sign could be programmed per the commission<sup>TM</sup>s conditions if required. He said they have not had any trouble with other signs like this in the country.

Mr. Larson stated these signs cause too much visual pollution and was concerned about the future number of the requests. He proposed that the ordinance be amended so that the code would not allow these signs on roads with speed limits over 30 mph.

Mr. Larson<sup>TM</sup>s amendment failed on a vote of five to three. Messrs. FitzGerald, Levandowski, Duax, Pearson, Kayser were in

opposition and Messrs. Larson, Seymour, Hibbard were in favor.

Mr. Pearson thought the code as proposed was acceptable in light of all the conditions. Mr. Hibbard stated we should not be introducing more distractions to the roadway and it may cause off-site advertising. Mr. Levandowski stated the conditional use permit would allow the commission to determine if the given application could be approved or not. Mr. Kayser mentioned the application must be reviewed with precise standards so all permits are judged on a consistent basis.

Mr. FitzGerald motioned to recommend approval of the ordinance. Mr. Pearson seconded and motion passed. Messrs. Larson, Seymour, Hibbard voted nay.

#### **4. CONDITIONAL USE PERMIT (CZ-1106) “ Cell Tower, 2080 Truax Blvd.**

Mr. Tufte presented the request to allow a public utility facility (cell tower) at 2080 Truax Blvd. The tower would be 60-foot high with two cell phone signals. An enclosure will be provided. The existing cell tower at 1912 Truax will be removed within a month of the new tower. However, the applicant would like approval of a temporary tower if needed, since the 1912 property is in foreclosure. Both Eau Claire County and FAA approvals are required.

Mr. Duax asked if the applicant had considered the existing tower at the corner of Mesa Ridge Drive and White Oaks Lane.

Applicant, Ken Franzen with Global Tower Partners, stated AT&T is already using the tower off Mesa Ridge to cover that area™s terrain. The new tower off Truax will cover the area around it. He said the temporary tower is a Plan B since they have to obtain federal approvals and since the other property is being held up in foreclosure. He asked for more time, or 2 months to remove the old tower, in order to obtain federal approvals. He asked for a triangle mount instead of a flush mount so more carriers can be added. He noted the new tower would be further back from housing compared to the current location.

Mr. Genskow stated the FAA did not allow cell phone antenna on the existing water tower.

Mr. FitzGerald motioned to approve the item subject to the conditions in the staff report, and accepted the request for a tri-mount design and the extra time of two months. Mr. Hibbard seconded and motion passed.

#### **5. CONDITIONAL USE PERMIT (CZ-8517 AMD.) “ Victor Spickler Revocation, 1329 Western Ave.**

Mr. Hibbard questioned if the noticing of the public hearing was done properly.

Mr. Noel presented the staff report on the revocation consideration of conditional use permit for 1329 Western Avenue. The commission asked to review this property™s case at its April 18 meeting and then directed staff to set up the public hearing. The permit was granted in 1985 for a junkyard/recycling business in an I-1 district with the limitation of no outdoor storage. Twenty years of violations were noted with four citations being issued. The violations primarily dealt with outdoor storage, items in the public right-of-way, and materials being recycled that were not allowed, such as cardboard. In 2001, the commission considered revocation but modified the permit to certain metals, while reaffirming the no outdoor storage provision. In 2010, the owner agreed that he violated outdoor storage rules, accepting a lesser citation fine.

Brian Nodolf, attorney representing the Victor Spickler™s daughter Vickey Kleist, challenged the commission on if anyone had prejudged the case, and if so they should consider recusing themselves from the meeting. He stated the City™s repeated outdoor violation letters were confusing in terms of the hours and processing methods that outdoor materials could or could not be present. He acknowledged violations occurred in the public right-of-way and cardboard was being recycled and that changes need to occur. Cardboard recycling will end June 1. He explained that Mr. Spickler would like to have his daughter run the business and asked for six months so that they could make arrangements. Mrs. Kleist running the business would be a fresh start. The business focus would only be metals, but what types should be specifically defined and what constitutes outdoor storage. They would hire a foreman to make sure they are in compliance on a day-to-day basis. They also hired a civil engineering firm to look at how the site and building can be used more efficiently. He gave to staff support letters from the public and a support petition of 465 signatures.

Sheryl Clafin, a civil engineer with CBS2, stated they will be studying alternate ways of how the business can function more efficiently. She presented a site plan noting a potential reconfiguration of material drop offs. She believed with some redesign the site will still work for the business.

Jerry Krogman, 2202 Henry Avenue, told the commission to look at the surrounding area and how other properties have violations. He thought Mr. Spickler was being treated unfairly. He noted the hours of operation should be well defined so both the business and City know what to expect.

Melissa Kleist, 1275 Thistle Lane, stated the recycling business should not be shut down because it is good for the environment.

Jim Prince, 13641 46th Avenue, Chippewa Falls, stated Mr. Spickler is a good man and gives back to the community. He often helps Mr. Spickler on site and said there is no outdoor storage after business hours. He asked the commission to not shut down the business.

Karen Mero, 2104 Orchard Place, asked the commission to give the daughter six months to come up with a solution. She thought the violations were not substantial.

Dan Jeske, 2916 Moon Avenue, thought businesses along Western Avenue are getting cleaner and Mr. Spickler™s business is spotless.

John Curtis, 302 W. Grand Avenue, stated the recycling business is providing a service to the community and it should not be shut

down.

Jerry Heiman, 3304 Hoover Avenue, Altoona, stated Mr. Spickler runs a very good business and he is a very good man.

Tom Ziegeweid, 2950 E. Wellington Drive, stated he does not see anything wrong with the business operations since it deals with recycling materials.

Vickey Kleist, daughter of Mr. Spickler spoke in support of the six month plan to change ownership and operations. The extra time will help them to make arrangements with the family and try different operation scenarios. She said they would stop processing cardboard and they want to work with the City so everybody wins.

Mr. Duax stated a six month review would be at the commission™s November 14 meeting.

Mr. FitzGerald motioned to approve the revocation for discussion purposes. Mr. Seymour seconded.

Mr. FitzGerald stated cardboard is not allowed per the 2001 amendment and it should stop, but he wanted to work things out and find a solution.

Mr. Larson wanted a legal report by the September 6 meeting on the correct public hearing process to revoke a conditional use permit, and how conditions can be better defined on the existing conditional use permit.

Mr. Nick stated the public hearing and>

Mr. Duax motioned to indefinitely postpone the item and have staff work with the owner in terms of hours of operation, any site improvements, new plan of operation, and what will be allowed during the time of succession of ownership. Mr. Hibbard and Mr. FitzGerald noted staff should not be working with the owners on their succession plan. Mr. Seymour seconded and the motion carried.

#### **6. SITE PLAN (SP-1107) “ Two duplexes, Brian Street**

Mr. Tufte presented the request to approve site plans for two duplexes on the south side of Brian Street and west of Lamont Street. The building plan shows two duplexes with front recessed garages and doors and windows. Landscape plantings need to be increased and street trees>

Richard Golde, 3328 Garner Street, spoke in favor of the project.

Mr. Levandowski motioned to approve the item subject to the conditions in the staff report. Mr. Pearson seconded and motion passed. Mr. Hibbard voted nay.

#### **7. SITE PLAN (SP-1108) “ Adams Automotive Addition, Craig Road**

Mr. Tufte presented the request to approve a site plan for a 2,376 square foot addition to Adams Automotive Center at 2915 Craig Road. The existing gas pump island will be removed. Staff recommends the access nearest to Craig Road and the frontage road be eliminated due to safety concerns. The site needs to be landscaped per the standards of the City™s Landscaping Manual.

Owner, Bob Adams, expressed concern with the removal of the corner driveway. He said he has not seen any accidents there over the last eight years. He thought it would be difficult for his tow trucks to maneuver in and out of the existing drive to the south along Craig Road. He asked if it could be made larger.

Applicant, Thomas Holbrook of E2550 Oregon Lane, Eleva, asked if the curb cut could be allowed to be 40™.

Mr. Levandowski asked if the new addition would block the existing electronic message center sign at Randy™s Restaurant.

Mr. FitzGerald motioned to approve the item subject to the conditions in the staff report; adding allowing up to a 40™ wide curb cut for the south driveway on Craig Road. Mr. Hibbard seconded and motion passed.

#### **8. DISCUSSION/DIRECTION**

A. Comprehensive Plan “ 5-year review

Mr. Tufte told the commission about the next public meeting.

B. Code Compliance Items

None.

C. Future Agenda Items

None.

#### **9. MINUTES**

The minutes of the meeting of May 2, 2011, were approved.

Thomas Pearson  
Secretary

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